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individually and on behalf of all others similarly
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

CRYSTAL DAMATO, AMANDA
MONTGOMERY, and TAYLOR
MAXWELL, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

MORPHE LLC, MORPHE MANAGEMENT
HOLDINGS LLC, FORMA BRANDS LLC,
and FORMA BEAUTY BRANDS LLC,

Defendants.

Case No. 4:22-cv-2110-JST

**STIPULATION AND ~~PROPOSED~~ ORDER
CONTINUING MEDIATION, CASE
MANAGEMENT CONFERENCE, AND
CASE DEADLINES**

Pursuant to Civil Local Rule 6-2, Plaintiffs Crystal Damato, Amanda Montgomery, and Taylor Maxwell, and Defendants Morphe LLC, Morphe Management Holdings LLC, Forma Brands LLC, and Forma Beauty Brands LLC (together, the “Parties”), by and through their respective counsel, hereby stipulate and request that the Court enter an order continuing the Mediation scheduled for October 28, 2022; the Case Management Conference scheduled for November 8, 2022; and related deadlines.

RECITALS

WHEREAS, Plaintiffs filed their Complaint on April 1, 2022 (Dkt. 1) in this Court. The Complaint is 52 pages long and purports to bring eight claims on behalf of a nationwide class and two state classes;

WHEREAS, the Parties filed on May 26, 2022 a Joint Stipulation Regarding Responsive Pleading Extension of Time (Dkt. 17) that agreed to extend the deadline for answering or otherwise responding to the Complaint to July 2, 2022;

WHEREAS, the Parties then met and conferred regarding early settlement, ADR process selection, and other issues per the Court's Order Setting Initial Case Management Conference and ADR Deadlines;

WHEREAS, the Parties agreed to participate in an Early Settlement Conference with a Magistrate Judge (ADR L.R. 7) and so stipulated on June 29, 2022 pursuant to Civil L.R. 16-8 and ADR L.R. 3-5 (Dkt. 18);

WHEREAS, on July 1, 2022, the Court denied the Parties' stipulated request to participate in an Early Settlement Conference with a Magistrate Judge and directed them to meet and confer regarding the other ADR options (Dkt. 20);

WHEREAS, the Parties met and conferred, agreed to participate in a Mediation (ADR L.R. 6), and so stipulated pursuant to Civil L.R. 16-8 and ADR L.R. 3-5;

WHEREAS, the Court granted the Parties' stipulated request to participate in a Mediation, continued the Initial Case Management Conference to November 8, 2022, and continued all pending case deadlines (Dkt. 25);

WHEREAS, the Court appointed Mediator Jonathan Westen (Dkt. 27), and a Mediation was scheduled for October 28, 2022 (Dkt. No. 28);

WHEREAS, the Parties have engaged in extensive pre-Mediation discussions with the Mediator, including four joint telephone calls, and pursuant to those discussions, the Parties and the Mediator have determined that, to help further evaluate the complexities of this litigation and facilitate its resolution, the Mediation, the Initial Case Management Conference, and all pending deadlines in the case should be continued 90 days;

NOW, THEREFORE, pursuant to Civil Local Rule 6-2, the Parties hereby stipulate and jointly request that:

1. The Mediation currently scheduled for October 28, 2022 shall be continued 90 days.
2. The Initial Case Management Conference currently scheduled for November 8, 2022 shall be continued 90 days. In the event the Mediation does not result in a settlement, the Parties will file a joint report to the Court within ten (10) court days of the conclusion of the Mediation with a proposed schedule to reset the Initial Case Management Conference for a time convenient for the Court.
3. All pending case deadlines in this case, including the current deadline for Defendants to answer or otherwise respond to the Complaint, shall be continued. In the event the Mediation does not result in a settlement, the Parties will file a joint report to the Court within ten (10) court days of the conclusion of the Mediation with a proposed schedule regarding these deadlines.

IT IS SO STIPULATED AND AGREED.

Dated: October 27, 2022

MILBERG COLEMAN BRYSON PHILLIPS
GROSSMAN, PLLC

By: /s/ Alex Straus
Alex Straus

*Attorney for Plaintiffs
Crystal Damato, Amanda Montgomery, and Taylor
Maxwell*

Dated: October 27, 2022

ROPES & GRAY LLP

By: /s/ Rocky Tsai
Rocky Tsai

*Attorney for Defendants
Morphe LLC, Morphe Management Holdings LLC,
Forma Brands LLC, and Forma Beauty Brands LLC*

~~PROPOSED~~ ORDER


Having reviewed the Stipulation of the Parties and their attorneys of record, and good cause appearing therefor:

IT IS HEREBY ORDERED that, pursuant to the Parties' Stipulation:

1. The Mediation is hereby continued. Mediator Jonathan Westen shall propose a new date for the Mediation that is after January 26, 2023 and before February 28, 2023.
2. The Initial Case Management Conference is hereby continued. The Case Management Conference is continued to March 7, 2023.
3. All pending case deadlines in this case, including the current deadline for Defendants to answer or otherwise respond to the Complaint, are hereby continued. In the event the Mediation does not result in a settlement, the Parties will file a joint report to the Court within ten (10) court days of the conclusion of the Mediation with a proposed schedule regarding these deadlines.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: November 1, 2022


Honorable Jon S. Tigar
U.S. District Court Judge